

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 19, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SDR-12901 - APPLICANT: ARCHITECT GERALD GARAPICH, AIA - OWNER: SILVER STATE BANK

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP-12902) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, , date stamped 04/10/06, and building elevations date stamped 06/6/06 except as amended by conditions herein.
4. A Waiver to allow a one story structure where two stories is the minimum allowed within the UC-TC (Urban Center Mixed Use-Town Center) designation.
5. The drive-through shall be fully screened with a screen wall and landscaping so that the car lights are not visible from the adjacent right-of-way.
6. Streetscape and Perimeter landscaping for the site was approved through the original Site Development Plan Review (SDR-4935). The subject proposal shall comply with all applicable Conditions of Approval regarding streetscape and landscaping for this site. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
7. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

8. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
12. A Master Sign Plan shall be submitted for approval of the Centennial Hills Architectural Review Committee—Town Center (CHARC-TC) prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Meet with the Traffic Engineering Representative in Land Development for assistance in the possible redesign of the proposed on site circulation layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Comply with the recommendations of the Traffic Engineering Representative, including the installation of on site directional signage as required.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or submittal of any construction drawings whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
17. Site development to comply with all applicable conditions of approval for Site Development Plan Review SDR-4935, the Durango Elkhorn Commercial Center and all other applicable site-related actions.

**** STAFF REPORT ****

APPLICATION REQUEST

The request is for a Site Development Plan Review for a proposed 2,367 square-foot Financial Institution, General (with Drive-Through) with a waiver to allow a one-story building within the UC-TC (Urban Center Mixed Use-Town Center) designation where two stories is the minimum required on 0.63 acres at 7125 North Durango Drive. A related Special Use Permit (SUP-12902) will be considered concurrently with this request.

EXECUTIVE SUMMARY

The proposed Financial Institution, General (with a Drive-Through) will be located within an approved commercial center (SDR-4935) at the southwest corner of Elkhorn Road and Durango Drive. The original site plan for the overall commercial center depicted a 3,300 square-foot Financial Institution, General. The design of the current proposal has substantially changed from the original approval, and therefore a new review is required.

The proposed 2,367 square-foot Financial Institution, General (with a Drive-Through) as depicted on the current site plan consists of a one story structure with a drive through facility that will circulate traffic in a U-shaped pattern around the main building from the south to the north.

Development within the UC-TC (Urban Center Mixed Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. This proposal lacks a mixed use component, utilizes a design that does not meet the intent of the UC-TC designation, and is therefore not recommended.

BACKGROUND INFORMATION

A) Related Actions

01/17/01 The City Council approved a petition to Annex (A-0003-99) property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The Planning Commission and staff recommended approval on 03/25/99. The effective date was 01/26/01.

- 11/20/02 The City Council approved a request for a Rezoning (Z-0085-02) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to TC (Town Center) on 5.0 acres located adjacent to the southwest corner of Elkhorn Road and El Capitan Way [Proposed Durango Drive Alignment]. The Planning Commission and staff recommended approval on 10/24/02.
- 11/20/02 The City Council approved a request for a Special Use Permit (U-0129-02) for a proposed Tavern adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). The Planning Commission and staff recommended approval on 10/24/02.
- 11/20/02 The City Council accepted a request to withdraw without prejudice a request to amend a portion of the Centennial Hills Sector Plan of the General Plan (GPA-0038-02) from ML-TC (Medium-Low Residential - Town Center) and UC/TC (Urban Center Mixed-Use - Town Center) to GC-TC (General Commercial - Town Center) on 15.0 acres adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). Staff had recommended denial. The Planning Commission recommended approval on 10/24/02.
- 03/17/04 The City Council approved a request for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required in conjunction with a proposed office/retail development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on 02/12/04.
- 04/22/04 The Planning Commission approved a request for a Tentative Map (TMP-3657) for a one-lot commercial subdivision on 4.00 acres adjacent to the southwest corner of Elkhorn Road and Durango Drive. Staff had recommended approval.
- 09/23/04 The Planning Commission approved a request for a Site Development Plan Review (SDR-4935) for and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes for a proposed 43,200 square-foot commercial development on 3.94 acres. Staff had recommended approval.
- 05/25/06 The Planning Commission abeyed this item and a related Special Use Permit (SUP-12902) for a proposed Financial Institution General (with a Drive Through). Staff had recommended denial.
- 06/22/06 The Planning Commission recommended approval of companion item SUP-12902 concurrently with this application.
- 06/22/06 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #15/fs).

B) Pre-Application Meeting

04/10/06 Issues discussed included the need for waivers from Town Center standards, as well as a Special Use Permit to allow a Financial Institution, General (with Drive-through) due to several inconsistencies with required conditions of the proposed use.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.63

B) Existing Land Use

Subject Property: Undeveloped
North: Undeveloped
South: Undeveloped
East: Shopping Center
West: Single Family Residential

C) Planned Land Use

Subject Property: UC-TC (Urban Center Mixed Use-Town Center)
North: UC-TC (Urban Center Mixed Use-Town Center)
South: UC-TC (Urban Center Mixed Use-Town Center)
East: UC-TC (Urban Center Mixed Use-Town Center)
West: M-TC (Medium Density Residential - Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center)
North: T-C (Town Center)
South: T-C (Town Center)
East: T-C (Town Center)
West: T-C (Town Center)

E) General Plan Compliance

The subject site is located within the Centennial Hills Sector of the Master Plan with a TC (Town Center) land use destination. More specifically, the subject site is designated as UC-TC (Urban Center Mixed Use-Town Center), which is intended for multi-storied structures having ground floor offices and/or retail with similar or residential uses utilizing

the upper floors. The existing T-C (Town Center) zoning district is consistent with the Master Plan, and the proposed Financial Institution, General (with Drive-Through) is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Town Center	X	
Special Overlay District		X
Trails		X
Rural Preservation Overlay District		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center - Development within the UC-TC (Urban Center Mixed-Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The minimum height requirement in Town Center is two stories. There are no density limitations in the UC-TC District. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with Section 3.4.3, Mixed Use, of the Centennial Hills Sector Plan. Development in the UC-TC District shall be by development agreement per Section 19.18.090.

PROJECT DESCRIPTION

The proposed Financial Institution, General (with a Drive-Through) will be located within an approved commercial center (SDR-4935) at the southwest corner of Elkhorn Road and Durango Drive. The proposal will consist of a 2,367 square-foot building with a drive through that will circulate traffic in a U-shaped pattern around the main building from the south to the north. Access will be provided from a shared driveway with an adjacent development, and 37 parking spaces are provided on this parcel where 12 are required. This proposal is located within a commercial subdivision (TMP-3657) that encompasses the overall shopping center, and parking areas and drives outside the scope of this proposal will be shared throughout the development. Streetscape, parking lot, and perimeter landscaping for the site was approved through the original Site Development Plan Review (SDR-4935). The subject proposal shall comply with all applicable previously approved Conditions of Approval regarding streetscape and landscaping for this site.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

Pursuant to the Town Center Development Standards Manual, the following standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Setbacks			
• Front	15 Feet Max.	2.2 Feet	Y
• Side	N/A	35.6 Feet	Y
• Rear	N/A	191 Feet	Y
Max. Building Height	2 Stories Min. / 12 Stories Max	1 Story	N

The proposal is 31 feet tall; however, it is only a single story building. Height requirements as outlined in the Town Center Development Standards Manual require that structures within the UC-TC (Urban Center Mixed-Use - Town Center) land use designation consist of two stories, and a waiver has been requested to provide relief from this requirement.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Required		Provided	
		Ratio	Parking		Parking
			Regular	Handicap	
Financial Institution (with Drive Through)	2,367 SF.	1 space/ 200 s.f. GFA + stacking for 6 per drive through lane	11	1	35
Total			12		37

The proposal exceeds Title 19 parking requirements.

A3) Landscape and Open Space Standards

Streetscape, parking lot, and perimeter landscaping for the site was approved through the original Site Development Plan Review (SDR-4935). The subject proposal shall comply with all applicable previously approved Conditions of Approval regarding streetscape and landscaping for this site.

The original site plan depicts 28 percent of open space for the overall development where 20 percent is required.

A4) Sign Standards

Pursuant to the Town Center Development Standards signs in the Urban Center Mixed-Use - Town Center district (UC-TC) shall be determined within the context of a Development Agreement with the City including, but not limited to, the submittal of a master sign plan and approval by the Centennial Hills Town Center Architectural Review Committee (CHARC-TC).

B) General Analysis and Discussion

- Zoning

The current zoning of the property is T-C (Town Center), with a UC-TC (Urban Center Mixed Use - Town Center) land use designation within the Centennial Hills Town Center Plan area. This designation is intended for multi-storied mixed use projects.

- Site Plan

The proposed Financial Institution, General (with a Drive-Through) will be located within an approved commercial center (SDR-4935) at the southwest corner of Elkhorn Road and Durango Drive. The original site plan for the overall commercial center depicted a 3,300 square-foot Financial Institution, General with a detached ATM drive-through. The proposal will consist of a 2,367 square-foot building with a drive through that will circulate traffic in a U-shaped pattern around the main building from the south to the north.

The design of the current proposal has substantially changed from the original approval, and therefore a new review is required. The original design of the bank had dual lane ATM drive-through detached from the principal structure. The adjacent property to the west was undeveloped at the time, and therefore the location of the drive-through met the 330-foot residential distance separation requirement for a bank drive-through. Since then, the adjacent parcel has been developed with single family residential, which results in the current design not meeting Town Center residential distance separation requirements for a bank drive-through facility.

Access will be provided from a shared driveway with an adjacent development, and 37 parking spaces are provided on this parcel where 12 are required. This proposal is located within a commercial subdivision (TMP-3657) that encompasses the overall commercial center, and other parking areas and drives will be shared throughout the development.

As per the Town Center Development Standards Manual, development within the UC-TC (Urban Center Mixed Use - Town Center) land use designation is required to be at least two stories in height. The proposed structure is only one story and a waiver has been requested to provide relief from this requirement.

A related Special Use Permit (SUP-12902) will be considered concurrently with this request. Typically, a Financial Institution, General (with a Drive-Through) is a Conditional Use within the UC-TC (Urban Center Mixed Use - Town Center) land use designation; however, in this instance, the proposal does not meet the required conditions, and therefore a Special Use Permit is required. The following conditions are not being met:

- i. The drive-through facility shall be screened from the adjacent rights-of-way by the principal building or by screening materials such as decorative walls, landscaped berms, continuous vegetation, or any combination thereof. Screening materials shall have a minimum height of three feet above finished grade at the rear of the setback area.**

A portion of the proposed drive-through is not completely screened from Durango Drive.

- ii. The drive-through facility shall not be located within 330 feet of any single-family detached dwelling.**

The proposed drive-through facility is located approximately 192 feet from single family residential development.

Development within the UC-TC (Urban Center Mixed Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. This proposal lacks a mixed use component, utilizes a design that does not meet the intent of the UC-TC designation, and is therefore not recommended.

- Waivers

Two-Story Minimum Height – The UC-TC (Urban Center Mixed-Use - Town Center) designation requires that development be multi-storied with ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The minimum height requirement in UC-TC (Urban Center Mixed-Use - Town Center) is two stories. The proposed structure is one-story and is not in compliance with the requirements of the UC-TC (Urban Center Mixed-Use - Town Center) designation.

- Landscape Plan

Streetscape and Perimeter landscaping for the site was approved through the original Site Development Plan Review (SDR-4935). The subject proposal shall comply with all applicable Conditions of Approval regarding streetscape and landscaping for this site.

- Elevation

The building elevations depict a 31-foot, one-story structure with a varying roofline and an exterior with a desert neutral color scheme. The minimum height requirement in UC-TC (Urban Center Mixed-Use - Town Center) is two stories, and a waiver has been requested to provide relief from this requirement. The façade of the structure is visually interesting and appears to meet the intent of the Town Center Development Standards Manual.

- Floor Plan

The floor plans are typical for this type of Financial Institution use.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The proposed development will not be compatible with adjacent development and development in the area. The site plan depicts a drive-through facility that is 192 feet from a parcel used for single family residential where 330 feet is the minimum required. A drive-through is not appropriate in such close proximity to residential uses, and therefore this application is not recommended.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

Development within the UC-TC (Urban Center Mixed Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. This proposal does not have a mixed use component, utilizes a design that does not meet the intent of the of the UC-TC designation, and is therefore not recommended.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The site will receive access a shared drive from Durango Road, a Town Center Parkway (120-foot) Arterial, and site access will not negatively impact adjacent roadways or neighborhood traffic.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The building and landscape materials are appropriate for the area and for the city.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The building elevations depict a 31-foot, one-story structure with a varying roofline and an exterior with a desert neutral color scheme. The minimum height requirement in UC-TC (Urban Center Mixed-Use - Town Center) is two stories, and a waiver has been requested to provide relief from this requirement. The façade of the structure is visually interesting and appears to meet the intent of the Town Center Development Standards Manual. While the design is compatible with the area, the proposed drive through facility in such close proximity to single family residential is not desirable, and therefore this application is not recommended.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

6

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 392 by Planning Department

APPROVALS 0

PROTESTS 0